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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,348

09/12/2003

Kim Tempest

23382US01

6748

23446 7590 11/19/2010  
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EXAMINER

FERNSTROM, KURT

ART UNIT

PAPER NUMBER

3711

MAIL DATE

DELIVERY MODE

11/19/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* KIM TEMPEST, JON MCNAIR LEUPP, CHARLES D.  
LOMBINO, and MARION C. BIRON

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Appeal 2011-000667  
Application 10/661,348  
Technology Center 3700

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Before DALE M. SHAW, *Division 2 Support Administrator*.

ORDER DISMISSING APPEAL

On April 4, 2008, Appellants filed a Notice of Appeal. On September 7, 2010, Appellants filed a request to reopen prosecution, exercising their option to reopen prosecution in response to a new ground of rejection contained in the Examiner's Answer mailed on July 6, 2010. Per 37 C.F.R. § 41.39(b)(1), this request is treated as a request to withdraw the appeal.

Accordingly, the appeal in this application is dismissed.

Appeal 2011-000667  
Application 10/661,348

The application is being returned to the Examiner for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DS/mp

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